S.B.Civil Revision No. 58/05

(Santosh Kumar Ojha Vs. Smt. Sheela Ojha)

Date of order : 24.2.2005

**HON'BLE MR.H.R.PANWAR, J.**

Mr. D.K.Gaur for the petitioner

By the instant civil revision under Section 115 CPC, the petitioner has challenged the order dated 17.12.2004 passed by learned District Judge, Bikaner, whereby learned District Judge has dismissed the application filed by the petitioner seeking dropping of the proceedings under Section 24 of the Hindu Marriage Act, 1955 (for short 'the Act' hereinafter)

I have heard learned counsel for the petitioner. It is contended by the learned counsel for the petitioner that originally the petitioner filed a Matrimonial Suit No. 84/99 before District Judge, Hawrah, West Bengal under Section 13 of the Act seeking dissolution of the marriage solemnized with the non petitioner. The non petitioner filed a transfer petition before Hon'ble Supreme Court which came to be allowed by Hon'ble Supreme Court vide order dated 29.11.2001 and the matrimonial suit filed by the petitioner before the District Judge, Hawrah, West Bengal was transferred to District Judge, Bikaner. The District Judge, Hawrah transferred the divorce petition and the application filed along with it under Section 24 of the Act.

The grievance of the petitioner is that by the order of the Hon'ble Supreme Court, the divorce petition under Section 13 of the Act was alone transferred and not the application filed thereunder under Section 24 of the Act.

The application under Section 24 of the Act arises out of the petition filed by the petitioner under Section 13 of the Act before the District Judge, Hawrah which upon the order of the Hon'ble Supreme Court has been transferred to District Judge, Bikaner. The application arising out of the matrimonial suit has rightly been transferred along with the suit to the District Judge, Bikaner. In the

circumstances therefore, the order of learned District Judge does not suffer from any error, illegality or perversity warranting interference in revisional jurisdiction.

The revision petition lacks merit and is accordingly dismissed summarily. Stay petition also stands dismissed.

(H.R.PANWAR),J.

RP